

ESTTA Tracking number: **ESTTA403953**

Filing date: **04/15/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191056
Party	Plaintiff White Rock Distilleries, Inc.
Correspondence Address	DANIEL I SCHLOSS GREENBERG TRAURIG LLP 200 PARK AVENUE, 34TH FLOOR NEW YORK, NY 10166 UNITED STATES schlossd@gtlaw.com
Submission	Plaintiff's Notice of Reliance
Filer's Name	Daniel I. Schloss
Filer's e-mail	schlossd@gtlaw.com
Signature	/Daniel I. Schloss/
Date	04/15/2011
Attachments	NORPrintedPubs91191056.pdf (2 pages)(107926 bytes) 91191056NORPrintedPubs1.pdf (3 pages)(1072237 bytes) Part-2-91191056NORPrintedPubs.pdf (1 page)(736026 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

IN THE MATTER OF APPLICATION

Mark: PINNACLES RANCHES
Applicant: Franciscan Vineyards, Inc.
Serial No.: 77/298,674
Published in
the **Official Gazette**: March 17, 2009

WHITE ROCK DISTILLERIES, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91191056
)	
FRANCISCAN VINEYARDS, INC.,)	
)	
Applicant.)	
<hr/>		

OPPOSER'S REBUTTAL NOTICE OF RELIANCE ON PRINTED PUBLICATIONS

Pursuant to 37 C.F.R. § 2.122(e), Opposer, White Rock Distilleries, Inc., hereby gives notice that it intends to rely on the printed publications listed below, all of which were accessed and printed from a publicly available web site, namely, Constellation Wine U.S.'s web site at <http://cwinesus.com>. The index below identifies the title of each printed publication, and each attached document identifies on its face the date on which the document was accessed and printed, as well the applicable URL identifying the online source of the document. These documents are relevant in the instant proceeding as they serve to rebut, clarify and/or explain certain portions of the testimony of Applicant's witness Jon E. Guggino.

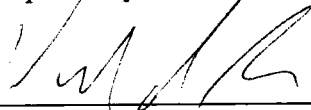
<u>Printed Publications</u>
"CWINE: Portfolio Page" from Constellation Wine U.S.'s web site at http://cwinesus.com
"CWINE: Brand Page" for Estancia from Constellation Wine U.S.'s web site at http://cwinesus.com

Printed Publications

"Our Brands" web page for Estancia from Constellation Wine U.S.'s web site at
<http://cwinesus.com>

"Brand Reference Sheet 2010-2011" for Estancia from Constellation Wine U.S.'s web site at
<http://cwinesus.com>

Respectfully submitted,



Dated: April 15, 2011

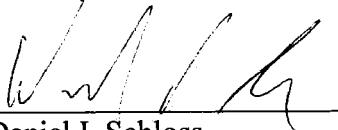
Daniel I. Schloss
Alan N. Sutin
Masahiro Noda
GREENBERG TRAURIG, LLP
200 Park Avenue, 34th Floor
New York, New York 10166
Tel: (212) 801-9200
Fax: (212) 801-6400

CERTIFICATE OF SERVICE

Date: April 15, 2011

The undersigned hereby certifies that a true and correct copy of the foregoing Opposer's Rebuttal Notice of Reliance on Printed Publications has been served by first class mail, postage prepaid, this 15th day of April 2011 upon Franciscan Vineyards, Inc. at the following correspondence address of its counsel of record:

John M. Rannells, Esq.
Baker & Rannells, PA
575 Route 28, Suite 102
Raritan, NJ 08869



Daniel I. Schloss


Balancing the ART and BUSINESS of wine
[OUR STORY](#) | [OUR PORTFOLIO](#) | [WINERIES](#) | [TRADE SERVICES](#) | [MEDIA CENTER](#) | [CAREERS](#)
[VIEW PORTFOLIO TOOLS](#)
3

3 Blind Moose

A

Alice White

Arbor Mist

Arbor Mist Sparkling

Arbor Valley

B

Banrock Station

Barossa Valley Estates

Black Box Wines

Black Velvet

Black Velvet Reserve

Blackstone

Blufeld

C

Cadet d'Or / BPR Varietals

Cisco

Clos Du Bois

Coastal Vintners

Cook's

Cribari (Dessert Wine)

Cribari (Table Wine)

D

Diseno

Drylands

E

Escudo Rojo

Estancia

F

Franciscan Estate

G

Great Western

H

Hardys

Hayman & Hill

Heritage

Hogue Cellars

I

Inniskillin

J

J. Roget

Jackson-Triggs

K

Kim Crawford

L

La Terre

Leasingham

M

Macaroni Grill

Manischewitz

Marcus James

Mendocino Vineyards

Monkey Bay

Mount Veeder Winery

Mouton Cadet

N

Nathanson Creek

Night Harvest By RHP

Nobilo

O

Old Colony

P

Papio

Paso Creek

Paul Masson (Dessert Wine)

Paul Masson (Table Wine)

Paul Masson Grande Amber Brandy

R

Ravenswood

Red Guitar

Rex Goliath

Rioja Vega

Robert Mondavi Private Selection

Robert Mondavi Winery

Ruffino

S

Simi

Simply Naked

Solaire By Robert Mondavi

St. Regis

Svedka

T

Talus Collection

Taylor Country Cellars

Taylor New York (Dessert Wine)

Taylor New York (Table Wine)

Tintara

Toasted Head

Trackers Crossing

Twin Fin

V

Vendange

W

Widmer (Table Wine)

Wild Horse

Wild Irish Rose

Woodbridge by Robert Mondavi

Woodbridge by Robert Mondavi Sparkling

[CAREERS](#) | [CONTACT US](#) | [TERMS OF USE](#)

©2009 CONSTELLATION WINES U.S. ALL RIGHTS RESERVED. A CONSTELLATION BRANDS COMPANY

[Drink Responsibly](#)



Estancia

Overview

Estancia is translated from the Spanish word for "estate," and emphasizes our conviction that the world's best wines capture the essence of their place of origin. At Estancia, we control the process from the start—from the trials in our experimental vineyard blocks, to planting, harvesting, fermenting, and aging the wines. We've built a winery adjacent to the Pinnacles Vineyard that allows us to devote the same attention to detail in winemaking that we give to our estate vineyards. Open-top fermenters and small basket presses allow us to handcraft Pinot Noir and new red-wine fermentation tanks are individually matched to the diverse blocks in our Keyes Canyon Vineyard in Paso Robles. It is this hands-on crafting of the wines, from grapes to bottle, that results in our consistent and superior wine quality.

Portfolio

(Click on a link below to view and download all bottle shots, labels, logos, tasting notes and awards & accolades relating to the varietal)

Contemporary

- [Pinot Grigio](#)
- [Riesling](#)
- [Shiraz](#)

Essential

- [Cabernet Sauvignon](#)
- [Chardonnay](#)
- [Merlot](#)
- [Pinot Noir](#)
- [Sauvignon Blanc](#)
- [Zinfandel](#)

Reserve

- [Reserve Chardonnay](#)
- [Reserve Meritage](#)
- [Reserve Pinot Noir, Santa Lucia Highlands](#)

Logos

- [High-Res Estancia Logo B&W \(pdf\)](#)
- [High-Res Estancia Logo B&W \(eps\)](#)
- [Low-Res Estancia Logo B&W \(jpg\)](#)
- [High-Res Estancia Logo B&W \(tif\)](#)

Key Selling Points

- Proven leader in the Ultra Premium category.
 - #1 Monterey Ultra Premium winery¹
 - #1 Ultra Premium Pinot Noir¹
 - #2 Ultra Premium Pinot Grigio¹
 - Top 10 rankings for Chardonnay, Cabernet Sauvignon, and Merlot¹
- Quality from our vineyard estates.
 - Pinnacles Ranches, Monterey County: 1200+ acres
 - Stonewall Vineyard, Santa Lucia Highlands, Monterey County: 83 acres
 - Keyes Canyon Ranches, Paso Robles: 616 acres
- State-of-the-art winery in Monterey County.
- 23+ years in the market.
- 8 million+ consumers experience Estancia by-the-glass each year.

¹IRI, TTL U.S., 52 weeks ending 3/21/10

Wine Style

Estancia crafts wines that reflect their place of origin, offering a diverse selection of styles and wines. From the bright tropical fruit flavors in our Monterey Chardonnay, to the silky smoothness of our Pinot Noir, to the bold structure and long finish of our Reserve Meritage. Estancia wines always deliver on quality and consistency.

Winemaker

Scott Kelley

[Learn about the winemaker](#)

Brand Reference Sheets

[View brand reference sheets \(pdf\)](#)

Brand Website

<http://www.estanciawinery.com>

[Search](#)[Home](#) | [About Us](#) | [Our Brands](#) | [Investors](#) | [Corporate Social Responsibility](#) | [News & Media](#) | [Careers](#) |

Our Brands

With an award-winning portfolio of must-have wine brands from around the world, complemented by some of the top-selling beer and spirits brands in the U.S., Constellation proves that consumers stay loyal to quality brands they trust and love.

[Home](#) » [Our Brands](#)[Print](#)[Email](#)[Wine](#) | [Beer](#) | [Spirits](#) | [Specialty Beverages](#)

view: 12 | 24 | All sort: A-Z | Z-A

[1](#) | [2](#) | [3](#) | [4](#) | [5](#) | [6](#) | [7](#) | [next](#) » | [last](#) »*Estancia*

Estancia

Estancia is translated from the Spanish word for "estate," and emphasizes the brand's conviction that the world's best wines capture the essence of their place of origin. At Estancia, we control the process from the start — from the trials in our experimental vineyard blocks to planting, harvesting, fermenting and aging the wines. We've built a winery adjacent to the Pinnacles Vineyard that allows us to devote the same attention to detail in winemaking that we give to our estate vineyards. Open-top fermenters and small basket presses allow us to handcraft Pinot Noir, and new red-wine fermentation tanks are individually matched to the diverse blocks in our Keyes Canyon Vineyard in Paso Robles. It is this hands-on crafting of the wines, from grapes to bottle, that results in our consistent and superior wine quality.

<http://www.estanciaestates.com>[1](#) | [2](#) | [3](#) | [4](#) | [5](#) | [6](#) | [7](#) | [next](#) » | [last](#) »

Our Vision is To Elevate Life With Every Glass Raised

PLEASE ENJOY OUR PRODUCTS RESPONSIBLY.

© 2011 Constellation Brands, Inc. | [Privacy Policy](#) | [Terms of Use](#) | [Contact Us](#) | [Site Map](#)

	ULTRA PREMIUM		LUXURY		
					
WINERY TIER	Contemporary	Essential	Reserve		
VARIETALS	Pinot Grigio (California), Shiraz (Central Coast), Riesling (Monterey County)	Chardonnay, Pinot Noir, Sauvignon Blanc (Pinnacles Ranches, Monterey County), Merlot (Keyes Canyon Ranches, Central Coast), Cabernet Sauvignon, Zinfandel (Keyes Canyon Ranches, Paso Robles)	Reserve Meritage (Paso Robles), Reserve Pinot Noir (Santa Lucia Highlands), Reserve Chardonnay (Monterey)		
APPELLATION	Various				
WINE PROFILE	Crafted for outright enjoyment, deliciously fruit forward and approachable—yet anything but ordinary. They highlight varietal diversity and possess a delicious, modern sense of style.	Our estate-driven and boutique winery philosophy—where quality is a result of attention to every detail—results in wines that are approachable, delicious, and consistent.	Limited-production wines that showcase the best of our estate vineyards combined with our most detailed boutique winemaking processes. The wines are seductive and expressive with world-class complexity and depth.		
COMPETITIVE SET	Sterling Vintner's Collection, Francis Coppola, Kendall-Jackson Vintner's Reserve, J. Lohr, Penfolds	J. Lohr, Kendall-Jackson Vintner's Reserve, Chateau St. Jean, Edna Valley, Sterling Vintner's Collection, Rodney Strong, Kenwood, Geyser Peak, Francis Coppola, Chalone, Hess Select	Justin, Beringer Appellation, La Crema, Acacia, Kendall-Jackson Grand Reserve, Cambria, Gainey, Talley, Morgan, Rombauer, Bernardus		
PRIMARY CONSUMER TARGET	GENOME: Image Seeker GENERAL: Young transitionals, women and men, 25–34, cosmopolitan centers, married, household income \$100K+	GENOME: Enthusiast GENERAL: Women, 30–54, affluent, suburban, college educated, married, household income \$100K+	GENOME: Enthusiast, Traditionalist GENERAL: Men and women, 30–65, suburban and metropolitan areas, married, household income \$100K+		
PRIMARY PRICING GUIDELINES	LINE PRICED EVERYDAY: \$11.99 FEATURE: \$9.99 WINE LIST: \$32 BY-THE-GLASS: \$9	CHARDONNAY, MERLOT, SAUVIGNON BLANC, ZINFANDEL EVERYDAY: \$11.99 FEATURE: \$9.99 WINE LIST: \$32 BY-THE-GLASS: \$9	PINOT NOIR, CABERNET SAUVIGNON EVERYDAY: \$15.99 FEATURE: \$13.99 WINE LIST: \$38 BY-THE-GLASS: \$10	RESERVE CHARDONNAY EVERYDAY: \$19.99 FEATURE: \$17.99 WINE LIST: \$40 BY-THE-GLASS: \$11	RESERVE PINOT NOIR RESERVE MERITAGE EVERYDAY: \$29.99 FEATURE: \$25.99 WINE LIST: \$60 BY-THE-GLASS: \$16

Please enjoy our wines responsibly. © 2010 Estancia Winery, Soledad/Monterey, CA